

REAL ESTATE BOARD

MINUTES OF MEETING

September 4, 2003

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

Joseph K. Funkhouser, II, Chairman
S. Ronald Owens, Vice Chairman
Marjorie Clark
Florence Daniels
Sharon Parker Johnson
Herman Key, Jr.
R. Schaefer Oglesby
Frank J. Quayle, III

Board Members not present:

Gerald S. Divaris

DPOR Staff present for all or part of the meeting included:

:

Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
John Cancelleri, Fair Housing Administrator
Liz Hayes, Fair Housing Investigative Supervisor
Robert Whitaker, Fair Housing Conciliator
Earlyne Perkins, Legal Assistant
Camille C. Palmer, Administrative Assistant

Emily Wingfield, Office of the Attorney General, was present.

Chairman Funkhouser called the meeting to order at 9:10 a.m.

Call to Order

No one addressed the Board during the **Public Comment period**.

Public Comment Period

A motion was made by Mr. Oglesby and seconded by Mr. Owens to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Agenda

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to adopt the **minutes** of the **July 17, 2003 Real Estate Board Meeting** as amended. The July 17, 2003 minutes were corrected to reflect Mr. Owens did not vote for agenda items 6 through 14. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Minutes

A motion was made by Ms. Clark and seconded by Ms. Daniels to adopt the **minutes** of the **July 31, 2003 Real Estate Board Meeting**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle.

A motion was made by Mr. Oglesby and seconded by Mr. Owens to adopt the **minutes** of the **August 14, 2003 Virginia Real Estate Board Advisory Council Meeting**, which were distributed to the Board members for review and approval. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle.

A motion was made by Mr. Key and seconded by Ms. Clark to close as no cause the following case identified in the fair housing report as:

**Fair Housing
Administrator's Report**

Jerome and Maria Gauthier v. Brooks Real Estate, Inc., FHB File Number: 2003-00156.

The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

A motion was made by Ms. Oglesby and seconded by Ms. Clark to approve the **Fair Housing Minutes of July 17, 2003**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Fair Housing Minutes

In the matter of **File Number 2002-03747, Jamie W. Lancaster**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Jim Evans, attorney for the respondent, and Mr. Lancaster, respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact Finding Conference for Counts I-IV, finding a violation of the Board's

**File Number 2002-03747
Jamie W. Lancaster**

1999 Regulation 18 VAC 135-20-260(8) for Count I, finding no violation for Count II, finding a violation of Section 54.1-2132(A)(2)(d) of the Code of Virginia for Count III, and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count IV. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Johnson, Key, Oglesby, and Quayle. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of Informal Fact-Finding Conference hereby imposing the following sanctions for Counts I-IV: a monetary penalty of \$2,500.00 and a one year suspension of Jamie Lancaster's license for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I, imposing a \$500.00 monetary penalty for the violation of Section 54.1-2132(A)(2)(d) of the Code of Virginia for Count III, and imposing a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count IV. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Johnson, Key, Oglesby, and Quayle. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-03753, Christina L. Lancaster**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Kevin E. Martingayle, attorney for the respondent, and Christina L. Lancaster, respondent, were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference Summary for Counts I-IV, finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I, finding no violation for Count II, finding a violation of Section 54.1-2132(A)(2)(d) of the Code of Virginia for Count III, and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count IV. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Johnson, Key, Oglesby, and Quayle. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03753
Christina L. Lancaster

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of Informal Fact-Finding Conference hereby imposing the following sanctions for Counts I-IV: a monetary penalty of \$2,500.00 and a one year suspension of Christina L. Lancaster's license for the violation of the Board's 1999

Regulation 18 VAC 135-20-260(8) for Count I, imposing a \$500.00 monetary penalty for the violation of Section 54.1-2132(A)(2)(d) of the Code of Virginia for Count III, and imposing a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count IV. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Johnson, Key, Oglesby, and Quayle. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-03593, Wallace S. Gibson**, the Board reviewed the record, which consisted of the disciplinary file, Consent Order, transcript, and exhibits from the IFF. Mr. Scott Ford, attorney for the respondent, and Ms. Gibson, respondent, were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Key to reject the Consent Order and finding a violation of § 54.1-2135(A)(5) for Count I; finding a violation of § 54.1-2135(A)(1) of the Code of Virginia for Count II; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count III, finding a violation of § 54.1-2135(A)(5) of the Code of Virginia for Count IV; finding a violation of § 54.1-2135(A)(1) of the Code of Virginia for Count V; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-240 for Count VI; and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(C)(1) for Count VII. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, and Quayle. There were no negative votes. Mr. Owens and Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03593
Wallace S. Gibson

A motion was made by Ms. Daniels and seconded by Mr. Key to reject the recommended sanctions contained in the Consent Order hereby imposing the following penalties for Counts I-VII: a monetary penalty of \$250.00 for the violation of § 54.1-2135(A)(5) of the Code of Virginia for Count I; imposing a monetary penalty of \$250.00 for the violation of § 54.1-2135(A)(1) of the Code of Virginia for Count II; imposing a penalty of \$250.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count III; imposing a monetary penalty of \$250.00 for the violation of § 54.1-2135(A)(5) of the Code of Virginia for Count IV; imposing a monetary penalty of \$250.00 for the violation of § 54.1-2135(A)(1) of the Code of Virginia for Count V; imposing a monetary penalty of \$250.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-240 for Count VI; and imposing a monetary penalty of \$250.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-180(C)(1) for Count VII. The total monetary penalty of \$1750.00 was imposed. The monetary penalty was increased, due to the severity of the

violations and prior violations. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Clark, Daniels, and Johnson. The member voting "No" was Mr. Key. Mr. Quayle recused himself due to a business relationship with the respondent. Mr. Owens who conducted the Informal Fact-Finding Conference and Mr. Oglesby, who reviewed the file prior to the IFF, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02382, Sharane L. Strelsky**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Strelsky was not present. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Ms. Strelsky's application for a real estate salesperson's license with the stipulation that Ms. Strelsky and her broker are required to report to the Board on a quarterly basis, for a period of three years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Johnson, Key, Oglesby, and Quayle. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02382
Sharane L. Strelsky

In the matter of **File Number 2001-02829, Carol D. Walker**, the Board reviewed the record which consisted of the Consent Order. Ms. Walker was not present. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to ratify the Consent Order finding a violation of the Board's 1999 Regulation 18 VAC 135-20-310(1) for Count I imposing a monetary penalty of \$300.00; and finding a violation of § 54.1-2131(A)(2)(c) of the Code of Virginia imposing a monetary penalty of \$200.00. The total monetary penalty imposed was \$500.00. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, and Quayle. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-02829
Carol D. Walker
Consent Order Number:
2003-0178

In the matter of **File Number 2002-00450, Harry S. Cockery**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Cockery was not present. A motion was made by Mr. Quayle and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file finding no violation. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key,

File Number 2002-00450
Harry S. Cockery

and Quayle. There were no negative votes. Mr. Owens was not present for the vote. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2001-02473, Xin Tao**, the Board reviewed the record which consisted of the Consent Order. Mr. Tao was not present. A motion was made by Ms. Daniels and seconded by Ms. Clark to ratify Consent Order Number 2004-0032 finding a violation of the Board's 1999 Regulation 18 VAC135-20-300(9) for Count I imposing a monetary penalty of \$200.00; and finding a violation of Board's 1999 Regulation 18 VAC 135-20-280(2) for Count II imposing a monetary penalty of \$100.00; and reimbursement of investigative costs to the Department in the amount of \$300.00. A total monetary penalty of \$600.00 was imposed. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-02473
Xin Tao
Consent Order Number:
2004-0032

In the matter of **File Number 2001-02607, A. Jackson Mason**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Mason was not present. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to close the file with a finding of no violation. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-02607
A. Jackson Mason

In the matter of **File Number 2003-00575, Roy K. Bee**, the Board reviewed the record which consisted of the Consent Order. Mr. Bee was not present. A motion was made by Ms. Daniels and seconded by Ms. Clark to ratify Consent Order Number 2003-0034 finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I imposing a monetary penalty of \$300.00; and reimbursement of investigative costs to the department in the amount of \$300.00. The total monetary penalty of \$600.00 was imposed. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-00575
Roy K. Bee
Consent Order Number
2004-0034

In the matter of **File Number 2003-03461, Robert D. Gim**, the Board

File Number 2003-03461

reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Gim was not present. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with corrections to approve Mr. Gim's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Key, Oglesby, Owens, and Quayle. There were no negative votes. Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

Robert D. Gim

The Board considered the request to amend the Agreement for Licensure for Duncan Black, releasing Mr. Black from the obligation of further reporting requirements. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to deny the request. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

**Request to Amend
Agreement for
Licensure- Duncan Black**

Ms. Martine lead the discussion regarding a letter requesting information showing compliance with § 54.1-2106.1. The Board came to a consensus to send letters to the firms giving them 21 days to reply to DPOR. If the firms don't respond to the letters accordingly, Enforcement will be notified.

**Discussion of Letter
requesting information
showing compliance §
54.1-2106.1**

The Board members reviewed the Real Estate Board Proposed Public Participation Guidelines (PPG). A motion was made by Mr. Oglesby and seconded by Ms. Daniels to adopt the PPG Regulations. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Oglesby, Owens, and Quayle. The member voting "No" was Mr. Key.

Adopt PPG Regulations

Mr. Owens read the Education Committee Report. A motion was made by Mr. Owens and seconded by Mr. Oglesby to approve the **September 3, 2003 Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Quayle, Oglesby, and Owens. There were no negative votes.

**Education Committee
Report**

The Board considered the request of Charles D. Pittman, Jr., attorney, to allow Stephen G. Short to carry on the business of his late wife, Lynda Raquel Barnes-Short, for 180 days for the purpose of concluding the business in accordance with § 54.1-2109 of the Code of Virginia. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to

**Death of Broker- Anchor
Crest One, Inc.**

permit Stephen G. Short to carry on business for 180 days for the purpose of concluding the business of Anchor Crest One, Inc. in accordance with § 54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Ms. Karen O'Neal, Deputy Director discussed the back log of Real Estate cases in the Enforcement Division and recommended Marion Cooper, a staff member, to serve as presiding officer, during the Informal Fact Finding Conferences which involve licensing applications involving convictions. A motion was made by Ms. Clark and seconded by Mr. Oglesby to approve the recommendation that Marion Cooper be authorized to serve as presiding officer, during the Informal Fact Finding Conferences, which involve licensing applications involving convictions. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

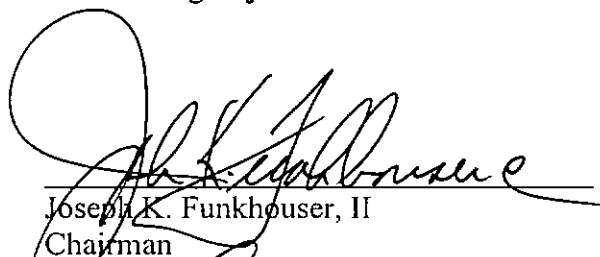
Other Business

Ms. Daniels announced that Mr. Key was chosen to serve as Fair Housing Committee Chairperson.

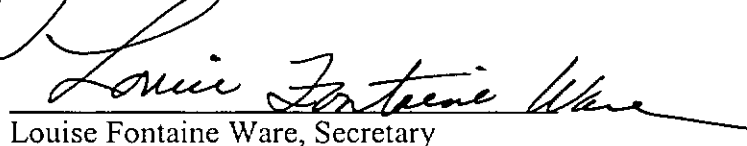
The Real Estate Board 2004 Tentative Meeting Dates were distributed for review.

The meeting **adjourned** at 11:03 a.m.

Adjourn



Joseph K. Funkhouser, II
Chairman



Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT


1. Name: Florence Daniels
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: _____

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Sharon Parker Johnson
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: Sharon P. Johnson

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Joseph K. Funkhouser, II
2. Title: Chairman - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

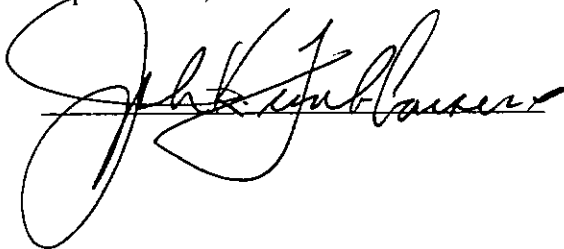
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: _____

A handwritten signature in black ink, appearing to read "Joseph K. Funkhouser, II", written over a horizontal line.

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Herman Key, Jr.
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

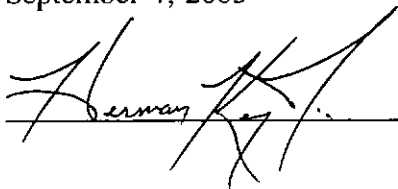
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: _____



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Frank J. Quayle, III
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: Frank J. Quayle

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Marjorie Clark
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: Marjorie M. Clark

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: S. Ronald Owens
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
None
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: September 4, 2003

Signature: _____

S. Ronald Owens